



REMARKS

The Applicant has filed the present Response in reply to the outstanding Official Action of February 24, 2005, and the Applicant believes the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

Initially, Applicant would like to thank the Examiner for indicating that Claims 16, and 19-22 contain allowable subject matter and would be allowed if amended to overcome the §112, second paragraph rejections.

In the outstanding Official Action, the Examiner objects to Claims 9 and 10 because of a minor informality. Specifically, the Examiner states that line 12 of Claims 9 and 10 recites "designating readout", and that it should read "designating a readout". Claims 9 and 10 have been amended to recite "designating reproduction of the text data".

Additionally, the Examiner rejects Claims 9, 10, 19, 20 and 23 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Specifically, the Examiner states that line 2 of Claims 9, 10 and 23 recites "when calling up" and that the phrase is unclear. Accordingly, the preamble of Claims 9-10 and 23 has been amended to recite "An automatic sound transmitting method of a cellular phone in acknowledgment of a response *of a party being called* comprising the steps of".

Further, the Examiner alleges that the phrases “reading out text data” and “readout of the text” in Claims 9, 10, 19, 20, 23 and 27 is unclear as it could mean reading audibly or retrieving, which renders the claims indefinite. Claims 9, 10 and 23 have been amended to recite “retrieving text data” and “designating reproduction of text data”, as is provided for in the specification.

The Examiner states that claim 9 recites “a connection signals” which is unclear and confusing if the connection signals refer to the signal from line 4 or if there are multiple signals different from the signal in line 4. Claim 9 has been amended to recite “a connection signal”.

Similar amendments have been made to the remaining independent and dependent claims to clarify the claims and in order to avoid further §112 rejections.

Additionally, Claims 9, 10, 23 and 27 have been amended to include similar limitations as allowable Claims 19 and 22. Specifically, Claims 9 and 10 now recite, *inter alia*, “converting the text data into audio data at the text-to-speech converter for transmittal to the called party continuously.”

Method Claim 23 has been amended to recite, *inter alia*, designating reproduction of the text data during a prescribed period of time after the cellular phone receives a connection signal from the base station in response to an answer by the called party;

indicating completion of the transmission on the display after the transmission of the converted audio data is finished; retrieving another item of text data stored in the memory, and supplying the text data to the text-to-speech converter while retaining the call; converting the text data into audio data at the text-to-speech converter for transmittal to the called party continuously; and sending the converted audio data to the radio transmitter/receiver in succession. A corresponding amendment was made to the cellular phone apparatus Claim 27.

No new matter has been added by the aforementioned amendments. For example, support can be found on pages 6-9.

The Examiner rejects Claims 6, 9, 10, 16 and 23-30 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,701,162 to Everett (hereinafter "Everett").

Applicant respectfully submits that these claims are patentably distinct from Everett, as the above-identified amendments to Claims 9, 10, 23 and 27 obviate the rejection. Additionally, Claims 6, 24-26 and 28-30 are patentable based upon their dependency from independent Claim 9, 10, 23 and 27, respectively.

Specifically, the amended independent claims recite similar limitations to allowable Claims 19 and 22 and, more specifically, limitations that are described by the Examiner in his the reasons for allowance, as recited on page 7 of the Office Action.

For all the foregoing reasons, the Applicant respectfully requests the Examiner to withdraw the rejections of Claims 9, 10, 19-20, and 23 under 35 U.S.C. §112, second paragraph and objections to Claims 9 and 10. Additionally, Applicant respectfully requests the Examiner to withdraw the rejections of Claims 6, 9, 10, and 23-30 pursuant to 35 U.S.C. §102(e).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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